

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DOUGLAS BRUECKNER and) 4:04CV3006
COLETTE BRUECKNER,)
)
Plaintiffs,) **MEMORANDUM**
) **AND ORDER**
vs.)
)
BURLINGTON NORTHERN AND)
SANTA FE RAILWAY and)
BROWN'S CREW CAR,)
)
Defendants.)

Because it appears that the Douglas Brueckner is in need of surgical spine surgery and the need for that surgery was first discovered on September 26, 2005,

IT IS ORDERED that:

- (1) Plaintiffs' motion to continue (filing 120) is granted.
- (2) This matter is referred to Magistrate Judge Piester for rescheduling, but he should wait to reschedule until he receives the report required in the next paragraph.
- (3) No later than November 1, 2005, Plaintiffs' counsel shall submit to Judge Piester and opposing counsel a written status report regarding Mr. Brueckner's current condition and plans for surgery. Counsel shall file the written status report in the court file.

September 28, 2005.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge